REMARKS

Claims 1-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Luzzatto (U.S. 6,031,521) and White et al. (U.S. 5,982,351) and Mastering Windows 3.1. Applicant respectfully traverses this rejection for the reasons of record, and as follows.

With respect to the White and Mastering Windows references in particular, Applicant's previous arguments detailing the deficiencies in these two references are not moot, as asserted by the Examiner on page 5 of the outstanding Office Action (paragraph 10 of Paper No. 20). Because the Examiner continues to rely upon the same features of these two references, the same features that Applicant has previously argued against specifically, the Examiner should be required to first answer these arguments before again citing these references, as according to Section 707.07(f) of the MPEP. Accordingly, Applicant incorporates by reference herein all previous arguments relating to these particular references, as detailed in the five previous Responses.

With respect to the newly cited Luzzatto reference, Applicant submits that the outstanding Section 103 rejection should be withdrawn because Luzzatto teaches away from the present invention. Any reference which teaches away from the claimed invention cannot form the basis of an obviousness rejection against such a claimed invention.

Specifically, Luzzatto teaches away from the present invention by requiring a *change* in the actual position of the cursor/pointer index, which is exactly the opposite

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of the present invention, which features that a number of actuations or duration of actuation is relevant <u>for a cursor located at a single location on the display screen</u>. Each portion of text cited by the Examiner from Luzzatto requires an actual *displacement* from an initial reference position/fixed point coordinates. Applicant notes in particular that Luzzatto even requires the counting of the change in the X- and Y- positions of the pointer index. (See col. 11, lines 11-36). Accordingly, Luzzatto specifically teaches away from the present invention, and thus cannot form a basis for a Section 103 rejection. For at least these reasons therefore, the Section 103 rejection should be withdrawn.

Moreover, Luzzatto even further teaches away from the present invention in that Figs. 13 and 14 illustrate examples of how different display menus are achieved for actuations of *different* respective input devices. Applicant again respectfully points out that, according to Luzzatto's own teachings, each separate button (including the rolling sphere) on the featured computer mouse functions as its own, separate input device. Luzzatto, however, does not teach or suggest that actuations of the <u>same</u> button (or sphere) of the mouse, for a cursor at a same location, will result in different menuing displays. For at least these further reasons, Luzzatto should be removed as a basis for rejection of the present invention.

Additionally, the present invention yields significant advantages over the teachings of Luzzatto. Luzzatto's mouse (Figs. 13 and 14) requires additional built in hardware to achieve the different displays described. In contrast, the present invention is advantageously able to eliminate the need for such additional hardware, allowing a user

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to select different menus with a single operation of a single input device (button) on any standard computer mouse. One skilled in the art will readily appreciate that the present invention is therefore much more useful for any type of known input device, whereas Luzzatto's selected displays can only be accessed by use of this one particular mouse. Accordingly, for at least these additional reasons, the advantageous features of the present invention are even further nonobvious over any combination with Luzzatto, and therefore the outstanding Section 103 rejection is again traversed.

Furthermore, neither White nor Mastering Windows makes up for these clear deficiencies in the Luzzatto reference. The Examiner is mostly correct, that White teaches the "displaying of menus based on input monitored events." The present invention, however, does not recite such a broad theory of operation only. As repeatedly explained to the Examiner, and clearly featured in pending claims, the distinct features of the present invention revolve around how different selected menus, of a plurality of menus, may appear at the same location as the cursor on the display screen, for the cursor located at a single location on that display screen. White never teaches or suggests any such specific features. Moreover, the Examiner has never pointed to any specific teaching within White to contradict these repeated arguments by Applicant. In fact, the portion of White relied upon by the Examiner also actually teaches away from the present invention, similarly to the Luzzatto reference.

Col. 5, lines 8-30 of White describe multiple predictive menuing choices, but also specifically teach that "the user then selects 406 a menu item by, for example,

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navigating a cursor to the menu item and then depressing the select key." (Col. 5, lines 19-21, emphasis added). In other words, like Luzzatto, White specifically requires *movement* of the cursor on the display screen to select the next of the menuing choices. "Navigating" the cursor, by definition, requires the cursor to be moved away from a single location. White does not otherwise suggest that any of its predictive menuing choices may be obtained based on the amount of time, or the number of actuations, of a single input device for a cursor at a single location on the display screen. Accordingly, Applicant submits that White also should be removed from consideration as a basis for an obviousness rejection against the present invention.

The Mastering Windows reference also suffers from the same deficiencies as White and Luzzatto. As previously argued, the Mastering Windows reference requires *movement* of the cursor to a different location to access different menus. Mastering Windows clearly teaches that the same menu will always appear at the same single location of the cursor, regardless of the number of actuations of an input device, or the duration of time the input device is actuated. Applicant points the Examiner's attention in particular to Fig. 1.10 of Mastering Windows, which clearly illustrates that the different menu choices available all would require movement of the shown cursor/pointer, away from the single location shown. Accordingly, Applicant submits that Mastering Windows also teaches away from the present invention, and therefore also cannot form a basis for obviousness against the present invention.

Additionally, with respect to the Examiner's additional comments on page 4 of Paper No. 20, Applicant does not dispute that the "right click" of a mouse while a cursor is on the desktop will call up a menu at the location of the cursor, as asserted by the Examiner. This known feature of a Windows operating system is, however, irrelevant to the present invention. One skilled in the art is well aware that, although a menu will appear at the same location as the cursor in a "right click" actuation of the right button input device, the particular menu which will subsequently appear at that location is <u>not</u> based on the number of times the right mouse button is actuated, or the duration of time that button is actuated.

Furthermore, one skilled in the art is also aware that the cursor location will have to be *changed* to access the different menuing options on the menu that appears with such a "right click" actuation. Applicant also wishes to point out that the "right click" actuation is a different actuation of an input device then a "left click" actuation, and those skilled in the art are aware that the "right click" will cancel out the activity being performed with the left button. The Examiner therefore, has still not demonstrated where any of the three prior art references, alone or in combination, teach or suggest that one of a plurality of menus may be selected and displayed at the same location on the display screen as a cursor located at a single location, based on the number of actuations of one input device, or the duration of time that one input device is actuated. The outstanding obviousness rejection therefore, is deficient on its face, and should be withdrawn under at least Section 2143.03 of the MPEP.

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Lastly, the motivation expressed by the Examiner for his proposed combination of the three cited prior art references also fails to account for the specific advantages the present invention is able to realize over all three references alone or together. The present invention is able to achieve much more than the "ease of input management" to which the Examiner repeatedly refers. According to the present invention, specific menus can be tailored to appear for particular users based on the user's own actuations of an input device. For example, a user may, according to the present invention, obtain a specific menu of the user's often chosen options on a menu, based upon the number of times (actuations) the user has selected those specific options at a single location of the cursor, or the duration of time the user actuates the input device, such as a left button on a mouse, when highlighting such menu choices. None of the three prior art references, alone or together, even suggest the realization of such advantageous menuing choices. Accordingly, for at least these even further reasons, the Section 103 rejection should be withdrawn.

For all of the foregoing reasons, Applicant submits that this Application, including claims 1-12, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an additional interview would expedite prosecution.

Respectfully submitted,

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